



PTO/SB/64 (04-07)

Approved for use through 09/30/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

990018 USA P02

First named inventor: John J. Waycullis

Application No.: 10/718,249

Art Unit: 1764

Filed: November 19, 2003

Examiner: Ellen M. McAvoy

Title: Stabilizing Petroleum Liquids for Storage or Transport

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or  
action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration  
date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications  
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☒ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in  
the form of Reply to Office Action dated 12/01/2006 (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_  
☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_

- ☐ has been paid previously on \_\_\_\_\_  
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the  
USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to  
complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any  
comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer,  
U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED  
FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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08/21/2007 CCHAU1 00000020 131505 10718249

01 FC:1453 1500.00 DA

## 3. Terminal disclaimer with disclaimer fee

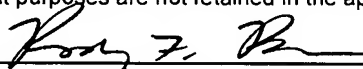
☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.



Signature

August 16, 2007

Date

Rodney F. Brown

Typed or printed name

30,450

Registration Number, if applicable

3365 Baltimore St., San Diego, CA 92117

Address

858-272-8705

Telephone Number

Address

Enclosures: ☒ Fee Payment☒ Reply☒ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☒ Other: Statement Under 37 CFR 3.73(b)**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

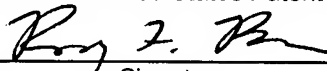
I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

August 16, 2007

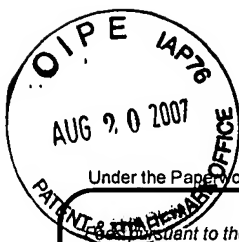
Date



Signature

Rodney F. Brown

Typed or printed name of person signing certificate



PTO/SB/17 (07-07)

Approved for use through 06/30/2010. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004.

Subject to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2007

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

1500

**Complete if Known**

Application Number	10/718,249
Filing Date	November 19, 2003
First Named Inventor	John J. Waycuilis
Examiner Name	Ellen M. McAvoy
Art Unit	1764
Attorney Docket No.	990018 USA P02

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_☒ Deposit Account Deposit Account Number: 13-1505 Deposit Account Name: Marathon Oil Company

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>	
- 20 or HP =	x	=		<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>

HP = highest number of total claims paid for, if greater than 20.

<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 3 or HP =	x	=	

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 100 =	/ 50 =	(round up to a whole number) x	=	

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Petition to Revive Unintentionally Abandoned Application 1500**SUBMITTED BY**

Signature	<u>Rodney F. Brown</u>	Registration No. (Attorney/Agent)	30,450	Telephone	858-272-8705
Name (Print/Type)	Rodney F. Brown			Date	August 16, 2007

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 ON THE DATE BELOW.

August 16, 2007

DATE

*Rodney F. Brown*  
RODNEY F. BROWN

\*\*\*\*\*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No. : 10/718,249  
Applicant : John J. Waycuilis  
Filed : November 19, 2003  
Title : Stabilizing Petroleum Liquids for Storage or Transport  
Examiner : Ellen M. McAvoy  
Art Unit : 1764  
Docket No. : 990018 USA P02

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT IN SUPPORT OF PETITION FOR REVIVAL OF AN APPLICATION FOR  
PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Sir:

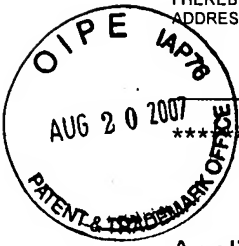
The above-referenced patent application was abandoned on June 1, 2007 for failure to timely file a proper reply to the Office Action mailed on December 1, 2006. Applicant hereby states that the entire delay from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Applicant believed that a proper reply was filed on February 28, 2007, but the reply inadvertently failed to include a required Terminal Disclaimer for U.S. Patent No. 6,350,928 which rendered the reply improper. Applicant first became aware of the abandonment on August 13, 2007 when Applicant received the Notice of Abandonment mailed on August 8, 2007.

Respectfully submitted,

*Rodney F. Brown*

Rodney F. Brown  
Attorney for Applicant  
Registration No. 30,450

3365 Baltimore Street  
San Diego, CA 92117  
Telephone: (858) 272-8705



I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON THE DATE BELOW.

August 16, 2007

DATE

*Rodney F. Brown*

RODNEY F. BROWN

\*\*\*\*\*



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No. : 10/718,249  
 Applicant : John J. Waycuilis  
 Filed : November 19, 2003  
 Title : Stabilizing Petroleum Liquids for Storage or Transport

Examiner : Ellen M. McAvoy  
 Art Unit : 1764

Docket No. : 990018 USA P02

Mail Stop Petition  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

**REQUEST FOR RECONSIDERATION UNDER 37 CFR 1.111  
 ACCOMPANYING PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
 ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Sir:

The present paper is filed in response to the Office Action in the above-referenced patent application mailed on December 1, 2006. The Office Action rejects all pending claims 1-39 in the application. Each specific ground of rejection is addressed below.

**Rejections Under Double Patenting**

Claims 1-39 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-24 of U.S. Patent No. 6,703,534. Applicant previously filed a Terminal Disclaimer for U.S. Patent No. 6,703,534 and an associated Statement Under 37 CFR 3.73(b) in the instant patent application under a transmittal dated February 28, 2007.

Claims 1-39 are rejected under the judicially created doctrine of obviousness-type

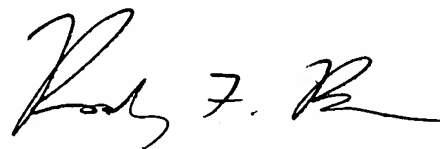
Application No. 10/718,249  
Reply dated August 15, 2007  
Reply to Office Action of December 1, 2006

double patenting as being unpatentable over claims 1-27 of U.S. Patent No. 6,350,928. Please enter the enclosed Terminal Disclaimer for U.S. Patent No. 6,350,928 and associated Statement Under 37 CFR 3.73(b) in the instant patent application.

It is respectfully submitted that the above-recited Terminal Disclaimers traverse the nonstatutory obviousness-type double patenting rejections of claims 1-39 in the instant patent application and place the claims in a condition for allowance. Accordingly, an early notice of allowance is earnestly solicited. The Examiner is requested to call the undersigned at (858) 272-8705 for any reason that would advance the instant application to issue.

Finally, enclosed as requested by the Examiner are copies of the Foreign Patent Documents and Other Documents cited in the Information Disclosure Statement filed on May 26, 2004. The Examiner is requested to confirm her consideration of the submitted references by appropriately marking the enclosed copy of Form PTO-1449, page 2, which was previously filed with the Information Disclosure Statement of May 26, 2004.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rodney F. Brown", with a stylized flourish at the end.

Rodney F. Brown  
Attorney for Applicant  
Registration No. 30,450

3365 Baltimore Street  
San Diego, California 92117  
Telephone: (858) 272-8705

RFB:002P9910P2B  
enclosures